

CITY OF ROCKVILLE PLANNING DIVISION
STAFF REPORT
June 17, 2004

SUBJECT:

Use Permit Application USE2004-00676 -

Applicant: James Emr, architect for
David Draiman
1820 Parklawn Drive
Suite 404
Rockville, Maryland 20852

Date Filed: January 30, 2004

Property Location: 130 Rollins Avenue



SITE

REQUEST:

The applicant seeks Use Permit approval under the optional method of development in the Rockville Pike Commercial (RPC) Zone for a development that includes 15,800 square feet of ground floor retail space and ninety-nine residential apartments in a seventy-five foot tall, six-story building.

PREVIOUS ACTIONS:

- A Map Amendment was granted in October 1963 for reclassification of the property from R-S zoning to C-2.
- A Special Exception and Use Permit were granted in December 1963 for a miniature golf course.
- In 1979, a Use Permit was granted that permitted the reconstruction and expansion of the clubhouse building.
- In 1990, a Use Permit was granted for the 676 square foot expansion of the clubhouse building to include an expanded game room
- In 1995, a Special Exception was granted and a Use Permit approved for the replacement of one of the courses with a seasonal ice rink.

STAFF RECOMMENDATION:

Approval, subject to the following:

1. Submission, for the approval of the Chief of Planning, of eleven (11) copies of the site plan, revised according to Planning Commission Exhibit A.

2. Submission, for the approval of the Chief of Planning, of eleven (11) copies of a coordinated detailed landscaping plan, revised to include planting along the driveway between the project and the Melting Pot restaurant and screening adjacent to Rollins Avenue as shown on Planning Commission Exhibit B.
3. Submission, for the approval of the City Forester, of five copies of a Forest Conservation Plan for the site in accordance with the Forest and Tree Preservation Ordinance. This plan should be coordinated with the landscape plan requirements.
4. Submission, for the approval or processing by the Department of Public Works, of the following:
 - a. Detailed engineering plans and computations for sediment control, storm drain and stormwater management, water and sewer design (including connections to public systems) and roadway improvements to Rollins Road (including storm drainage.)
 - b. The abandonment of existing water and sewer house connections not used in the redevelopment at the main.
 - c. Plans for the mill and overlay of public streets if a trench in Rollins Avenue is necessary. Plans should include a distance of fifty feet on each side of roadway cut or entire east bound Rollins Road, if determined during engineering design.
 - d. Provide right-of-way improvement plans for Rollins Avenue, including storm drain, paving, water and sewer, street trees and lighting, signage and striping.
 - e. Submission, for approval the City Attorney, of a stormwater maintenance/easement agreement to be recorded among the Land Records of Montgomery County, Maryland prior to stormwater management permit issuance.
 - f. Payment of all fees including stormwater management contribution fee of \$80,040.
5. That alternate plans be submitted for a future closure of the eastern access to the garage to the Planning Division and the Department of Public Works.
6. That any new transformers be placed underground, unless a waiver from the Planning Commission is granted.
7. A Transportation Demand Management (TDM) agreement must be executed between the applicant and the City of Rockville within 6 months of the issuance

- of the building permit. This agreement will require the applicant to make a contribution of \$60 per dwelling unit and \$0.10/square foot for commercial per year for a period of ten years (approximately \$7,520/year for ten years). These funds will be used for various programs designed to reduce the number and impact of vehicle trips within the City of Rockville. The funds will be used for the purpose of TDM and the requested agreement will specify the timing and other requirements of future payments of the TDM fee. This sum will be incorporated into the TDM capital improvements program funds of the City.
8. Applicant shall contribute, prior to the issuance of building permit, a monetary contribution of \$6,500 for the implementation of a bus shelter. This contribution will be incorporated into the Bus Stop Beautification CIP.
 9. Provide bike lockers at a safe and convenient location approved by the Department of Public Works. Bike lockers shall be provided at 1 bicycle parking space for each 50 parking spaces associated with the residential building and bike racks shall be provided at a 1 bicycle parking space for each 50 parking spaces associated with the retail uses.
 10. Applicant shall construct a left turn lane on westbound Twinbrook Parkway and associated signal modifications to provide for left turn movements onto southbound MD 355 pending State approval prior to issuance of Occupancy Permits. Should MDSHA not allow this improvement, the Applicant shall install the following:
 - a. Additional signage at the intersection of Twinbrook Parkway/Chapman Avenue to direct motorists to southbound MD 355.
 - b. A five-foot sidewalk and a seven-foot tree lawn along one side of Thompson Avenue between MD 355 and Chapman Avenue.
 - c. Provide pedestrian signal heads for east and west approaches of the intersection of Rollins Avenue/ E. Jefferson Street.
 - d. Provide pedestrian signal heads and crosswalk for the eastern leg of Twinbrook Parkway/Chapman Avenue.
 11. Demonstrate adequate sight distance at entrance to Rollins Avenue.
 12. That all internal and external traffic control devices shall comply with the latest edition of the Manual on Uniform Traffic Control Devices. A signing and pavement-marking plan shall be submitted to the Department of Public Works for approval by the Chief of Traffic and Transportation.
 13. That the new buildings meet all applicable handicap-accessibility requirements of the State of Maryland and the Americans with Disabilities Act of the Federal Government, as well as all construction code requirements of the City of Rockville.

14. That private art be provided in an amount equal to \$42,540.00. The contribution is equal to \$450.00 per market rate multi-family residential unit (99) and \$.30 per square foot for retail uses (15,800 square feet.)
15. That bonds be posted and permits obtained from the Department of Public Works and the State Highway Administration, as necessary.
16. That fifteen Moderately Priced Dwelling Units (MPDUs), be provided in accordance with the requirements of the Moderately Priced Housing Ordinance.
17. Provide written documentation from the affected utilities (Verizon, Pepco and Washington Gas) that no P.U.E. is needed along the front property line.
18. That the front wall of the building contain sound deadening measures.
19. The applicant shall sign and return the approval letter prior to the release of any permits.
20. County impact tax must be paid prior to building permit issuance.

ANALYSIS:

Property Description:

The property contains 71,874 square feet or 1.65 acres of land and is located on Rollins Avenue, two properties from the southeast corner of Rockville Pike and Rollins Avenue. The site is bounded by Rollins Avenue to the north, an office building to the west, a restaurant building to the east and the Federal Plaza shopping center, located outside the City, to the south. The Congressional Village complex is located to the north. The Bethany House elderly housing facility is located to the west. A post office and firehouse are located across Rollins Avenue from the project.

Background

The property currently contains the remnants of the Putt Putt outdoor recreational facility. The operators of the Putt Putt were not the owners of the property and opted to cease operations approximately two years ago. Since that time, the property has been idle, still containing the remnants of the miniature golf course and ice rink.

Development Proposal:

The application proposes construct a single six-story building with 15,800 of retail space on the first floor and ninety-nine apartments. A three level parking garage is proposed

for on the back portion of the property. Separating the garage and the mixed-use building is a linear park-like area. This area makes up most of the open space on the property since the mixed use building and the parking garage are proposed on the lot lines.

Conformance with the Zoning Ordinance and Rockville Pike Corridor Plan:

The application has been submitted under the Optional Method of Development. Review of an application submitted under the Option Method of Development must include not only the requirements contained in the Zoning Ordinance but also compliance with the provisions and guidelines contained in the Rockville Pike Corridor Plan. The following lists the development requirements contained in the Rockville Pike Plan and staff comments related to each.

I. Base Level Development Requirements

A. *Compliance with the Plan*

The project complies with requirements contained in the Zoning Ordinance and the Rockville Pike Plan.

B. *Compliance with Access Management Plan (Driveways and Service Drive)*

A service drive is not required in front of this property – only along Rockville Pike. Additionally, the Rockville Pike Plan does not make any recommendation for access for the properties along Rollins Avenue

C. *Pike Streetscape (Berm)*

The property is located on Rollins Avenue, not on Rockville Pike, where the Pike streetscape and berm are not required.

D. *Screening/Landscaping as shown in the Plan*

The Rockville Pike Plan calls for ten percent of the net lot area to be devoted to landscaping. This requirement is also contained in the Zoning Ordinance, which also requires that an additional two and one-half square feet of landscaping be for all development containing over forty parking spaces. This development proposal requires 7,751 square feet of landscaping and 12,162 square feet are proposed.

The Pike Plan requires that landscape screening be provided between non-similar uses, which generally means residential and any other use or any use adjacent to the Metro tracks. In this case, the surrounding properties are non-residentially developed and the proposed development includes the residential. The front of the subject building will contain street trees, that as they mature will help separate the residential uses in the proposed building from the firehouse, post office, office and retail uses across the street. The Pike Plan recognizes this as part of the required landscaping treatment, in light of the fact that buildings including residential are to be placed up to the front property line. A driveway and pocket park will separate the residential uses

from the office building located to the west. On the southern or rear side of the building, the linear open space and the parking garage will provide a more than adequate buffer from the shopping center located to the south. The eastern side contains a shared driveway and sidewalk, with the sidewalk and grass strip counting towards the landscaping requirement. The submitted plan does not contain a landscape treatment or screening for this end of the building. The reasons have to do with the fact that the building was setback from the property line in order to maintain the existing driveway that is currently located between the the subject property and the Melting Pot restaurant.

The major portion of the driveway is located on the Melting Pot property. If the proposed building had been placed on the property line, there would have been inadequate width to support the parking spaces on the Melting Pot property or two direction traffic circulation on the driveway. A sidewalk was also deemed to be necessary to provide a pedestrian connection between the parking structure in the rear and the retail in the front of the building. As a result, the space that could have been used to support landscaping was taken up by an existing condition or a necessary amenity. Beyond that, this a situation where the residential will be above the non-residential use (because the residential is located on the second floor and above) and also where the residential use comes after the non-residential use, not the other way around. As a result, staff finds this to be an acceptable situation with the condition that low growing shrubs and plantings be placed in the strip between the sidewalk and the building.

E. *Build-To-Line along Rockville Pike*

This property is not governed by the build-to line along Rockville Pike but the Plan calls for at least fifty percent of the building to be placed on the front property line. The proposal complies with this requirement.

F. *Standard Traffic Methodology*

A traffic study was submitted for this development proposal. It is discussed later in this Staff Report and a copy of the Traffic and Transportation Division's assessment is attached.

G. *Building envelope as shown in Guidelines and Functional Sections*

Section 25-710.22(1) requires that retail establishments on streets other than Rockville Pike shall be located adjacent to public pedestrian ways. At this location, buildings that contain residential may reach seventy-five feet in height at the property lines. In other words, there are no setback requirements for a building that is seventy-five feet or less in height that contains residential.

H. *Rights of Way/Easements Dedicated for Improvements Shown in the Plan (No Loss in Density Calculations)*

There is no right-of-way dedication required nor any specific improvement shown in the Plan for this location.

II. *Optional Method Development Requirements (Outside Twinbrook Metro Performance District)*

A. *Same as Base Zone Development Requirements Plus the Following*

B. *Urban Design review process - RPC Urban design guidelines*

- 1. Build-to-line.** The build-to-line recommended in the Plan calls for at least fifty (50) percent of the building to be placed on the front property line. The project complies with this recommendation.
- 2. Façade Treatment.** This guideline is meant to delineate the activities occurring on each level. The ground floor retail tenant spaces include large windows that are topped with arched headers that will contain the tenant signs. The windows for the residential apartments are noticeably smaller and clearly delineate the retail from the residential.
- 3. Streetscape Standards.** The streetscape standard for secondary streets noted in the Pike Plan is a five-foot wide tree planting strip and a ten-foot wide sidewalk at the building edge. The existing measurement between the curb and the property line is fifteen feet. Today's standards require that a tree planting strip be seven feet wide to give the tree the best chance and for the tree to count towards reforestation. Since no additional right-of-way is needed in this location, it was determined by the Department of Public Works and the City Forester that an eight foot wide sidewalk and the seven foot tree planting strip in this location is adequate.
- 4. Minimum Building Line.** The intent of the minimum building line is to create a visual continuity of the streetscape. This building conforms to recommendations made in the Plan that the building be placed on the front property line.
- 5. Alternate Building Line.** This is an option that is available if greater setbacks are desired or proposed. If the building is setback it must be a minimum of fifteen feet and an additional row of trees must be added on the building side of the sidewalk. This option was neither desired nor proposed because the lot is half as deep as it is wide.
- 6. Building Envelope.** There are no specific requirements for developments other than the base zone and the RPC Optional Method in the Twinbrook Metro Area. In both cases no setback is required unless residential land abuts the proposed structure. No residential land abuts the proposed project.
- 7. Rockville Pike Streetscape.** Not applicable. The property fronts on Rollins Avenue.

8. **Pedestrian Areas.** Sidewalks, crosswalks and colonnades, awnings, plazas and open spaces, bus shelters, benches and lighting are all mentioned as amenities that can enhance the pedestrian experience. All of these have been looked at and none are specifically required on this property.
9. **Public Roadways.** Not applicable because no new street dedication is needed or proposed.
10. **Service Drive.** Only required along Rockville Pike.
11. **Parking Structure Treatment.** This project complies with the recommendations contained in the Plan because it is located to the rear of the lot.
12. **Parking Lot Treatment.** Parking lots adjacent to the public rights-of-way shall be screened with evergreen planing, ground-covered berms or a wall at least two and one-half feet high that create a screen with at least seventy-five percent opacity. Only a small portion of parking area is located adjacent to Rollins Avenue and it will include a treatment that complies with this recommendation.
13. **Landscape Screening of Non-Similar Uses.** This was addressed earlier.
14. **Solar Access.** No shadow is cast on adjacent residential structures because none exist adjacent to this project.
15. **Tree Planting.** The subject landscaping and forest conservation plan complies the tree planting recommendations.

C. ***Compliance with Standard Traffic Methodology to Assure the Adequacy of Road Capacity***

As noted above and addressed later, a traffic study has been submitted and reviewed by the Traffic and Transportation Division.

D. ***Other Applicable Requirements - Section 25-710.27 (3) – Ground Floor Retail Requirement***

Retail is required in not less than 75% of the ground floor any of any building located in the RPC Zone. The proposed development includes 15,800 square feet or 75.6 percent of the ground floor.

Urban Design Review:

The project has been reviewed by the Urban Design Review Committee and a copy of their assessment is attached. As noted above, in the point-by-point assessment of the Urban Design review process, the project complies with the recommendations and requirements.

Traffic Analysis:

The Traffic and Transportation Division memo summarizing the traffic impact analysis and recommendations is attached.

Conclusion and Recommendation:

The intent of the Rockville Pike Corridor Area requirements are contained in Section 25-710.1 of the Zoning Ordinance. They are intended to:

- 1) ***Protect existing residential areas and adjacent neighborhoods from encroachment of commercial land use, excessive traffic, unlawful noise and pollution.*** Rollins Avenue is a busy street that serves both cut through traffic and the adjacent residential neighborhood. The first floor retail proposed with this application will contain smaller tenant spaces that do not attract destination type commercial uses. The property could be developed with first floor retail and offices uses above, as was considered in the Twinbrook Metro Performance District Section of the Plan. The recommended density was .35 to 1.0 F.A.R. Since residential uses do not count towards the overall F.A.R., the amount of retail proposed in this project complies with this requirement. Also, because residential properties are located less than a block away, the development of this property with mostly residential apartments should serve to create an extension of the residential flavor of the other blocks of Rollins Avenue.
- 2) ***Foster an adequate supply of convenience retail activities to serve residents of the corridor and local neighborhoods.*** The uses allowed within the Rockville Pike Corridor are varied; some can be construed as convenience retail and others cannot. No restriction on the type of tenants is proposed by staff due to the limited size of the tenant spaces. The representatives of the center should, where possible, selectively promote certain tenant types to help create a lively and vibrant community within the development, corridor and local neighborhood.
- 3) ***Encourage mixed use development opportunities to promote combined residential, retail, employment and entertainment centers within the area.*** The proposed plan meets this intent. It has a mix that includes retail and residential.
- 4) ***Encourage medium to high density residential development within the area.*** This proposal meets the intent. Up to sixty dwelling units per acre is recommended in the Plan and this proposal meets that goal.
- 5) ***Encourage excellence in urban design and improvement in overall City appearance.*** The project amounts to the first time that redevelopment has been proposed on Rollins Avenue since the Rockville Pike Corridor Plan was adopted in 1989. The design is meant to represent an urban-type setting that is envisioned in the Plan by requiring that at least fifty percent of the building be placed on the front property line at this location. Although the architectural style does not match the buildings surrounding it, it should serve as benchmark for future redevelopment along this section of Rollins Avenue.
- 6) ***Encourage development that produces a desirable relationship between buildings and the pedestrian and vehicular circulation systems and between such development and adjacent land uses.***
The Pike Plan envisions buildings that are brought up to the street with pedestrian friendly shopping abutting the sidewalks and this building adheres to that philosophy.

7) *Promote improved pedestrian and vehicular circulation and to integrate pedestrian and vehicular plans with development.*

The narrowness of this site combined with the location of this site does not allow for many options to improve either pedestrian or vehicular circulation nor are any required. It does, however, retain the vehicular connection from Rollins Avenue to the Federal Plaza. The sidewalk proposed along the eastern side of the building will also provide the same connection for pedestrians.

8) *Implement a streetscape improvement program throughout the area by establishing specific standards for coordination of landscaping and street trees along public rights-of-way public pedestrian ways and buffers between dissimilar uses.*

The trees proposed in front of the building have been reviewed by the Assistant City Forester for compliance with street tree standards. The Planning staff has reviewed the proposed planting plan for compliance with the recommendations made in the Pike Plan. The proposed street trees comply with both standards. There are no pedestrian ways proposed by the Plan for this property and none is being required. The landscaping on site was addressed earlier in this Staff Report under the Base Level Development Requirements section.

9) *Promote the use of public and private transit facilities and pedestrian access thereto.*

The proximity of the development to the Twinbrook Metro station by itself promotes the use of public transit facilities.

10) *Promote efficient use of land.*

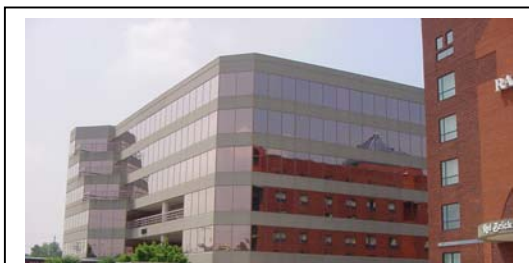
The plan includes retail that is the use most commonly associated with Rockville Pike. It also includes the medium to high density residential component that is envisioned as a desired use between the retail on Rockville Pike and the residential properties in the Montrose neighborhood.

11) *Encourage quality of development and enhance the City's economic base.*

The redevelopment will enhance the City's economic base, while at the same time result in a quality development.

12) *Ensure consistency of development throughout the area.* The buildings along this side of the street were constructed many years ago. The properties are mostly limited in size and not conducive to consistent development. Small properties tend to develop with low scale buildings and surface parking. With the introduction of this type of development, it is possible that some of these properties can be combined in the future and developed with a higher standard of design and functionality.

Varying building heights and uses are common around the area and the City. Two six-story buildings (at 1775 and 1801 Rockville Pike) are located across Rollins Avenue from this project. A five-story is located on the corner of Rockville Pike and Twinbrook Parkway. All of these larger and tall structures are located directly adjacent to single-story retail type uses without affecting the functionality of the properties and without creating unsatisfactory or undesirable relationship. In all these cases, the alternating building heights and functions seem to create interest.





In authorizing a development under the Optional Method of Development the Planning Commission must “determine that the proposed development is in substantial accordance with the Plan and with the intent and purpose of this article (Article XIV. Rockville Pike Corridor Area), and is compatible with adjacent existing and permitted uses and developments.” The Planning Commission must consider the following in making a determination:

1. ***Traffic impact mitigation, open space and other environmental amenities;***
2. ***The relationship of the development to existing and proposed development in the area;***
3. ***Retention or replacement of existing convenience retail use on the property and the provision of new retail or residential uses.***

All of these considerations have already been addressed in this staff report, as has the concern for compatibility with adjacent existing and permitted uses.

The site plan has been checked for compliance with all requirements and guidelines contained in the Rockville Pike Corridor Plan and the Zoning Ordinance. All areas of concern have already been addressed or are indicated on Exhibit A. Staff was careful to consider the surrounding uses for not only the way that they relate structurally to the proposed development but also for their compatibility. This is a unique site being two times wider than it is deep. The grade also drops off approximately twelve feet from one edge of the street frontage to the other. The proposed round floor retail provides for uses

that will relate well with the one-story restaurant building to the east, the single-story retail uses in the Federal Plaza will be separated from this development by the parking garage and the office building to the west is setback from the street and will be located adjacent to the parking structure. These relationships should work well in blending the proposed development with the existing abutting properties.

This plan meets all of the findings that must be made in order to approve development under the Optional Method of Development as well as development within the Rockville Pike Corridor. The staff, therefore, recommends approval of Use Permit USE2004-00676, subject to the conditions noted on pages one through four.

Attachments